

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

Jason A. Czekalski

v.

Civil No. 16-cv-434-LM

Cheshire County and  
Richard Van Wickler

**REPORT AND RECOMMENDATION**

Before the court in this removal action is a motion to remand (Doc. No. 6). Defendants initiated this action in this court by filing a notice of removal (Doc. No. 1), noting that the complaint (Doc. No. 1-1) cites federal law and asserts claims that appear to fall within this court's federal question jurisdiction. Plaintiff moved to remand (Doc. No. 6), asserting that he intends to rely on state law causes of action for all of his claims, and that the complaint cites federal law only by analogy.

Defendants, through counsel, and plaintiff, pro se, appeared at a hearing on November 30, 2016, on the motion to remand. Plaintiff maintained in the hearing that the complaint is intended to assert only state law claims. Plaintiff stipulated on the record to the dismissal of any federal claims in the case with prejudice.

Upon construing the complaint liberally, in light of plaintiff's filings and oral statements, the court concludes

that there are no federal claims in the case. The case is appropriately remanded. See 28 U.S.C. § 1447(c); see also Robinson v. Roberts, No. 5:15-cv-512-DCN-KDW, 2015 U.S. Dist. LEXIS 49463, at \*9 (D.S.C. Mar. 20, 2015), R&R adopted, No. 5:15-cv-0512 DCN, 2015 U.S. Dist. LEXIS 50335 (D.S.C. Apr. 14, 2015). Accordingly, the district judge should grant the motion to remand (Doc. No. 6).

### **Conclusion**

For the foregoing reasons, the district judge should grant the motion to remand (Doc. No. 6), and the case should be remanded to the Merrimack County Superior Court. Any objections to this Report and Recommendation must be filed within fourteen days of receipt of this notice. See Fed. R. Civ. P. 72(b)(2). Failure to file objections within the specified time waives the right to appeal the district court's order. See Garayalde-Rijos v. Mun. of Carolina, 747 F.3d 15, 21-22 (1st Cir. 2014).

  
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Andrea K. Johnstone  
United States Magistrate Judge

November 30, 2016

cc: Jason A. Czelkalski, pro se  
John A. Curran, Esq.